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PATENT, TRADEMARK & COPYRIGHT MATTERS

May 9, 2003

MR853-733

Examiner Daniel Lastra
Group Art Unit #3622
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RE: Patent Application Prosecution/Claim Amendment and Arguments
Being Sent Prior to 20 May 2003 Interview
Serial #09/482,830
**A METHOD FOR PROVIDING DISCOUNT INCENTIVES TO POTENTIAL
CUSTOMERS WHO WISH TO MAKE AN IMMEDIATE PURCHASE**

Dear Examiner Lastra:

As we discussed on the telephone, our firm is Associate Counsel in this case for the Primary Counsel, Leonard Tachner, Esq. Mr. Tachner has requested our firm to have an interview in this case, and we responsively have contacted you. The interview has been set up for 20 May 2003.

We suggested that we send you a copy of the amended Claims with our arguments, which we believe place the case in condition for allowance.

Examiner Daniel Lastra
May 9, 2003
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This communication includes the Claims as amended and some of our arguments which we would rely upon at the interview.

None of the attached pages are for "filing", but simply for your review.

Respectfully submitted,

FOR: ROSENBERG, KLEIN & LEE



Morton J. Rosenberg
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MJR/ti
Enclosures

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SERIAL #09/482,830

ARGUMENTS

The subject system directs itself to a method for providing discount incentives to potential customers to allow purchase of service or goods from a wide variety of providers. The potential customer initially selects discounts in the customer's area of concern by either products offered, or merchants in a particular geographical area. This provides a set of providers which set their respective discount parameters for issuing discount coupons to the potential customers. However, the providers set the respective discount parameters based upon some type of customer spending amount criteria which is determined by the potential customer. The potential customer then selects from the set of providers a subset of providers from whom they wish to possibly make purchases dependent upon the amount to be spent by the potential customer.

The customer provides the spending amount and effective period of time (within which the customer will purchase the goods or services) and the discount parameters are provided to the potential customers through the website. Thus, the customer chooses the subset of providers to whom he or she wishes to purchase the products or services, and further determines the amount to be spent upon which the discount is based from the provider. Once the discount has been obtained, the website displays the customer

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discount coupon and the potential customer may then download the coupon.

This concept as provided in the instant method provides the customer with different options leading to a completely different philosophy of discount spending wherein the customer has the option of choosing a subset of providers and then choosing one provider among that subset and further determining at his or her discretion exactly how much is to be spent. The discount is based upon the amount to be spent by the potential customer and the discount is then provided in tangible form in the way of a discount coupon which can be downloaded by the potential customer. The present invention affords the customer greater control as well as flexibility in choosing providers than that found in the prior art.

The Examiner has rejected Claims 1, 4-8 and 11-14 under 35 U.S.C. § 103 as being obvious in view of the Scroggie, et al. Patent #6,014,634 when taken in combination with the Golden, et al. Patent #5,761,648 Patent, and then further in combination with the Delapa, et al. Patent #6,076,068. The Examiner has used the Scroggie, et al. reference for showing the steps of providing an internet website to providers to set respective discount parameters for issuing discount coupons to potential customers and permitting access to the website by the potential customers to select providers from whom they wish to make purchases.

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In the Scroggie reference, it is not believed that the potential customer has the option of selecting providers from whom they wish to make purchases. The Examiner has referenced Column 3, Lines 10-50 of the Scroggie reference which simply directs itself to the fact that the potential customer will initially register at a website and then transmit from a central site and receive at the customer site a number of incentive offers which apparently is exercisable based on the customer's postal region. These incentive offers appear to be in encoded form and does not provide the user with the option of choosing a particular subset of providers, as is necessary to the now further amended Claim 1, wherein it states: "permitting access to said website by said potential customers to select a predetermined subset of providers from whom they wish to make purchases". In fact, the Scroggie reference after selecting at the customer site one or more of the incentive offers, transmits these selections back to the central site and generates a purchasing incentive containing in encoded form the identity of the retail store selected by the customer and the identity of the customer. Once this is completed, the incentive is then transmitted to the customer. Additionally, the Scroggie reference does not provide for the concept of the customer choosing or opting for a "customer spending amount and effective period of time" which is necessary to the subject invention concept wherein in Independent Claim 1, it clearly states: "providing a customer spending amount and

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effective period of time to said website by said potential customers".

The Examiner has then cited the Delapa, et al. reference for disclosing a coupon system that creates coupons dynamically from purchase parameters that relate to the customers. The Examiner particularly points to FIG. 20, item 408, where there is a discount for any purchase greater than \$50.00 and within some type of expiration date. Once again, the Delapa reference only provides for possibly a plurality of discounts which are based upon a predetermined amount input by the provider. It is not believed that there is any provision for the customer to choose the spending amount and then have the discount based upon that spending amount. Thus, the Delapa reference does not provide for "providing a customer spending amount and effective period of time to said website by said potential customers", as is necessary to Independent Claim 1, as is now further amended. Even if the Delapa reference and the Scroggie reference were placed in combination, the basic philosophy and programming of the website would be completely different in that the customer is not provided with the ability to choose the spending amount and then obtain a discount based upon this spending amount.

The Examiner has used the Golden, et al. reference in combination with the Scroggie and Delapa references, however, has not apparently used this in the rejection arguments. With regard to the Golden, et al. reference, such appears to simply be a

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method and system to allow consumers to access data on a processing system in an on-line basis and then browse through various certificates. Once the certificates are found to the satisfaction of the user, the certificates can be downloaded to the user. It is not believed that this provides any method or concept for providing discount incentives to potential customers.

Thus, neither the Scroggie reference, the Golden reference, nor the Delapa reference, whether taken alone or in combination, provide for the basic philosophy and method of the subject invention concept in permitting the potential customer to choose a particular provider in combination with choosing and/or opting for a particular amount to be spent. Based upon this combination, the customer has the ability of controlling who he or she is doing business with and further obtaining a discount based upon the amount being spent. None of the references cited by the Examiner, whether taken alone or in combination, provide for this method.

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1. (Twice Amended) A method for providing discount incentives to potential customers for making purchases from service or goods providers; the method comprising the steps of:

providing an internet website for a set of providers to set their respective discount parameters for issuing discount coupons to potential customers based upon customer spending amount criteria;

permitting access to said website by said potential customers to select a predetermined sub-set of providers from whom they wish to make purchases;

providing a customer spending amount and effective period of time to said website by said potential customers;

selecting a provider from said sub-set of providers based upon said customer spending amount criteria;

providing a corresponding set of discount parameters from said provider, and,

[establishing customer intended spending amount and period of time for a selected provider and indicating the corresponding discount parameters for the selected provider; and]

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presenting a website display of a customer discount coupon corresponding to said discount parameters for printout by a customer for subsequent redemption at a provider's place of business.